

Attorney Docket No.:
126013-1003

**DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name;

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

ARTIFICIAL INTERVERTEBRAL DISC

the specification of which was filed on January 28, 2004, S.N. _____, a copy of which is attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or (f) or § 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

None

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

None

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below or § 365(c) of any PCT International Application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed

in the prior United States application(s) or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of any prior application(s) and the national or PCT international filing date of this application:

None

I hereby appoint:

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of the firm of GARDERE WYNNE SEWELL LLP, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, and to file and prosecute any international patent application filed thereon before any international authorities under the Patent Cooperation Treaty.

Send correspondence to: IP SECTION
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and direct all telephone calls to Kenneth T. Emanuelson at (214) 999-4266.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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